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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/270,834

03/18/1999

MASAHITO NIKAWA

032567-007

3006

21839

7590

01/27/2005

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EXAMINER

WHIPKEY, JASON T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/270,834

Applicant(s)

NIIKAWA ET AL.

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20,21,23,24 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 1,5,7,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,8-14,17-19,22 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Change of Examiner***

1. The examiner of record for this application has been changed to Jason Whipkey. Any inquiry regarding this application should be directed to the new examiner. Current contact information is provided in the last section of this communication.

### ***Response to Arguments***

2. Applicant's arguments, see page 10, second paragraph, filed August 16, 2004, with respect to the rejection of claims 1, 5, 7, and 15 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made below.

3. Since new grounds of rejection are being applied to unamended claims, this action is non-final.

### ***Claim Objections***

4. Claims 17, 22, and 25 are objected to because of the following informalities:

- On line 2 of claim 17, "display data ate displayed" is incoherent.

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- On line 4 of claim 22, “said memory registering an operation is to specify” is incoherent.
- On line 25 of claim 25, “a memory for registering an the operation is to specify” is incoherent.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Mamiya (U.S. Patent No. 6,690,415).

Regarding **claim 1**, Mamiya discloses a camera system (Figure 1), comprising:

- a camera (110) for photographing an object and acquiring image data of the object (see column 3, lines 6-9);
- a computer (120) connectable to said camera (see column 3, lines 3-5);

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a manipulation member provided to said camera (release button 118);  
a camera controller (117) provided to said camera for detecting an  
operation of said manipulation member (see column 3, lines 37-48) and  
transmitting a signal based on the detected results to said computer (see column 4,  
lines 25-26); and

a controller provided in said computer (CPU 121; see column 3, lines 22-  
23) for controlling a screen of a display (123) functioning together with said  
computer based on the signal received from said camera (the image received by  
PC 120 is used to form the image displayed on display 123; see column 4, lines  
29-32).

7. Claims 7 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Imaeda  
(U.S. Patent No. 5,473,366).

Regarding **claim 7**, Imaeda discloses a system, including:

a camera (TV telephone main body 101; see Figure 2) for photographing  
an object and acquiring image data of the object (see column 5, lines 17-18);

a computer (the remote system identical to the one in Figure 2)  
connectable to said camera (via an external communication line; see column 5,  
lines 61-62);

an image display (219) provided to said camera;

a controller (overall control unit 201 in the remote system) provided to  
said computer for detecting a connection of said camera to said computer and

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automatically (see column 6, lines 20-23) transmitting display data stored in said computer to said camera based on the detected results (see column 7, lines 47-59); and

a camera controller (overall control unit 201 in the local system) provided to said camera for controlling a screen of said image display based on the display data received from said computer (see column 7, lines 55-65).

Regarding **claim 15**, Imaeda discloses a device, including:

a connector connectable to a computer (communication control unit 212 in Figure 1);

an image display (219); and

a camera controller (overall control unit 201) for receiving display data transmitted automatically from a computer (a remote system identical to the one in Figure 1; see column 6, lines 20-23) when connected to said connector and controlling a screen of said image display based on the received display data (see column 7, lines 47-65).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kodak (see the included "Kodak Digital Science DC120 Zoom Digital Camera User's Guide"<sup>1</sup>) in view of Duggan (U.S. Patent No. 5,584,035).

Regarding **claim 5**, the Kodak manual discloses:

A computer program product (the DC120 camera's mounting software, as shown on page 8-4) based on which a computer, which is connectable to a camera (see page 3-1) for photographing an object and acquiring image data of the object, executes the step of receiving a signal transmitted by the camera connected to the computer (an image may be retrieved from an image folder on the camera and copied to the computer by dragging and dropping an image; see pages 8-3 and 8-4).

The Kodak manual is silent with regard to displaying a folder on the computer for storing image data transmitted from the camera.

Duggan discloses a user interface for manipulating objects, as shown in Figure 12a. By dragging folder 80 from first machine MC1 to second machine MC2, a copy of the folder is produced in the repainted window representing machine MC2 upon completion of the duplication of the subject material (see column 15, lines 32-67).

An advantage to displaying a folder representing transferred data is that a user may visually verify that a group of images has successfully been copied. For this reason, it would have been obvious at the time of invention to have the software disclosed by Kodak display a folder representing transferred data.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imaeda.

**Claim 16** may be treated like claim 15. However, Imaeda is silent with regard to thinning out display data.

Official Notice is taken that thinning out display data is well known in the art for displaying an image on a variety of displays. An advantage to doing so is that an image may be previewed on most any display, allowing a user to review an image at a remote location. For this reason, it would have been obvious at the time of invention to have Imaeda's system thin out display data for display.

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<sup>1</sup> The DC120 was released in 1997. See the included "History of Kodak" document, from <http://www.kodak.com/global/en/corp/historyOfKodak/1990.jhtml?pq-path=2703>.



*Allowable Subject Matter*

12. Claims 2-4, 6, 8-14, and 17-19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2-4, no prior art could be located that teaches or fairly suggests a camera connected to a computer, wherein the camera includes a manipulation member for specifying a computer folder into which image data from the camera is transferred.

Regarding claim 6, no prior art could be located that teaches or fairly suggests a computer program for a camera connected to a computer, wherein the computer displays a folder for storing image data transmitted from the camera and warning data is transmitted to the camera when sufficient capacity does not exist.

Regarding claims 8-11, no prior art could be located that teaches or fairly suggests a camera system including a connected computer, wherein a controller in the computer transmits display data to the camera automatically whenever a connection is detected, and wherein an image display on the camera thins out display data based on the difference between the number of pixels of a camera display and the number of pixels of a computer display.

Regarding claims 12-14, no prior art could be located that teaches or fairly suggests a camera system including a connected computer, wherein a controller in the computer transmits display data to the camera automatically whenever a connection is detected, and wherein warning data is transmitted to the camera when sufficient storage capacity does not exist.

Regarding claim 17, no prior art could be located that teaches or fairly suggests a camera that receives display data transmitted automatically from a computer upon connection, wherein

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image data displayed on the camera is thinned out without thinning out the image of a mouse cursor display.

Regarding claims 18 and 19, no prior art could be located that teaches or fairly suggests a camera that receives display data transmitted automatically from a computer upon connection, wherein image data displayed on the camera is *thinned out at a rate* in response to an operation of a manipulation member on the camera.

13. Claims 20-29 are allowed.

Regarding each of these claims, no prior art could be located that teaches or fairly suggests a camera connected to a computer, wherein a memory in the camera registers an operation for the computer corresponding to an operation activated by a manipulation device on the computer, wherein a manipulation member on the camera calls the registered content and specifies an operation when the member on the camera is operated.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (703) 305-1819 or (571) 272-7321 beginning in late February 2005. The examiner can normally be reached

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Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

JTW

January 21, 2005

  
TUAN HO  
PRIMARY EXAMINER